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Customer No. 22/852

Attorney Docket No. 5725-0598-00



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Valérie de la Poterie and Bertrand Piot

Group Art Unit: 1615

Application No.: 09/598,637

Examiner: L. Channavajjala

Filed: June 21, 2000

For: MASCARA COMPRISING A  
POLYMER DISPERSED IN A  
LIQUID FATTY PHASE

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE UNDER 37 C.F.R. § 1.111**

In reply to the Office Action dated March 4, 2002, Applicants respectfully request reconsideration of the application in view of the following remarks.

## REMARKS

## I. Status of the Claims

Claims 1-31 are pending in this application. No claims have been cancelled or amended by this response.

## II. Rejection For Double Patenting

The Office rejected claims 1-31 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-47 of U.S. Patent No. 5,945,095 to Mougin et al. ("Mougin"). The Office contended that "[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other

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